

# Senate Amendment 5009

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1 1 Amend Senate File 2253 as follows:  
1 2 #1. Page 4, by inserting after line 1, the  
1 3 following:  
1 4 <Sec. \_\_\_\_\_. Section 29B.100, Code 2005, is amended  
1 5 to read as follows:  
1 6 29B.100 CAPTURED OR ABANDONED PROPERTY.  
1 7 1. All persons subject to this code shall secure  
1 8 all public property taken from the enemy for the  
1 9 service of the United States, and shall give notice  
1 10 and turn over to the proper authority without delay  
1 11 all captured or abandoned property in their  
1 12 possession, custody or control.  
1 13 2. Any person subject to this code ~~who shall be~~  
1 14 ~~punished as a court-martial may direct if the person~~  
1 15 ~~does any of the following:~~  
1 16 ~~1- a.~~ Fails to carry out the duties prescribed  
1 17 herein~~;~~  
1 18 ~~2- b.~~ Buys, sells, trades, or in any way deals in  
1 19 or disposes of captured or abandoned property, whereby  
1 20 the person receives or expects any profit, benefit or  
1 21 advantage to the person or another directly or  
1 22 indirectly connected with the person ~~and.~~  
1 23 ~~3- c.~~ Engages in looting or pillaging ~~shall be~~  
1 24 ~~punished as a court-martial may direct.>~~  
1 25 #2. Page 4, by inserting after line 27, the  
1 26 following:  
1 27 <Sec. \_\_\_\_\_. Section 63.6, Code 2005, is amended to  
1 28 read as follows:  
1 29 63.6 JUDGES.  
1 30 All judges of courts of record shall qualify before  
1 31 taking office following appointment by taking and  
1 32 subscribing an oath to the effect that they will  
1 33 support the Constitution of the United States and ~~that~~  
1 34 the Constitution of the ~~state~~ State of Iowa, and that,  
1 35 without fear, favor, affection, or hope of reward,  
1 36 they will, to the best of their knowledge and ability,  
1 37 administer justice according to the law, equally to  
1 38 the rich and the poor.  
1 39 Sec. \_\_\_\_\_. Section 124.401, subsection 1,  
1 40 paragraphs a through c, Code 2005, are amended to read  
1 41 as follows:  
1 42 a. Violation of this subsection, with respect to  
1 43 the following controlled substances, counterfeit  
1 44 substances, or simulated controlled substances is a  
1 45 class "B" felony, and notwithstanding section 902.9,  
1 46 subsection 2, shall be punished by confinement for no  
1 47 more than fifty years and a fine of not more than one  
1 48 million dollars:  
1 49 (1) More than one kilogram of a mixture or  
1 50 substance containing a detectable amount of heroin.  
2 1 (2) More than five hundred grams of a mixture or  
2 2 substance containing a detectable amount of any of the  
2 3 following:  
2 4 (a) Coca leaves, except coca leaves and extracts  
2 5 of coca leaves from which cocaine, ecgonine, and  
2 6 derivatives of ecgonine ~~or~~ and their salts have been  
2 7 removed.  
2 8 (b) Cocaine, its salts, optical and geometric  
2 9 isomers, ~~and~~ or salts of isomers.  
2 10 (c) Ecgonine, its derivatives, their salts,  
2 11 isomers, ~~and~~ or salts of isomers.  
2 12 (d) Any compound, mixture, or preparation which  
2 13 contains any quantity of any of the substances  
2 14 referred to in subparagraph subdivisions (a) through  
2 15 (c).  
2 16 (3) More than fifty grams of a mixture or  
2 17 substance described in subparagraph (2) which contains  
2 18 cocaine base.  
2 19 (4) More than one hundred grams of phencyclidine  
2 20 (PCP) or one kilogram or more of a mixture or  
2 21 substance containing a detectable amount of  
2 22 phencyclidine (PCP).  
2 23 (5) More than ten grams of a mixture or substance  
2 24 containing a detectable amount of lysergic acid

2 25 diethylamide (LSD).  
2 26 (6) More than one thousand kilograms of a mixture  
2 27 or substance containing a detectable amount of  
2 28 marijuana.  
2 29 (7) More than five kilograms of a mixture or  
2 30 substance containing a detectable amount of any of the  
2 31 following:  
2 32 (a) Methamphetamine, its salts, isomers, or salts  
2 33 of isomers.  
2 34 (b) Amphetamine, its salts, isomers, and salts of  
2 35 isomers.  
2 36 (c) Any compound, mixture, or preparation which  
2 37 contains any quantity of any of the substances  
2 38 referred to in subparagraph subdivisions (a) and (b).  
2 39 b. Violation of this subsection with respect to  
2 40 the following controlled substances, counterfeit  
2 41 substances, or simulated controlled substances is a  
2 42 class "B" felony, and in addition to the provisions of  
2 43 section 902.9, subsection 2, shall be punished by a  
2 44 fine of not less than five thousand dollars nor more  
2 45 than one hundred thousand dollars:  
2 46 (1) More than one hundred grams but not more than  
2 47 one kilogram of a mixture or substance containing a  
2 48 detectable amount of heroin.  
2 49 (2) More than one hundred grams but not more than  
2 50 five hundred grams of any of the following:  
3 1 (a) Coca leaves, except coca leaves and extracts  
3 2 of coca leaves from which cocaine, ecgonine, and  
3 3 derivatives of ecgonine or their salts have been  
3 4 removed.  
3 5 (b) Cocaine, its salts, optical and geometric  
3 6 isomers, and salts of isomers.  
3 7 (c) Ecgonine, its derivatives, their salts,  
3 8 isomers, and salts of isomers.  
3 9 (d) Any compound, mixture, or preparation which  
3 10 contains any quantity of any of the substances  
3 11 referred to in subparagraph subdivisions (a) through  
3 12 (c).  
3 13 (3) More than ten grams but not more than fifty  
3 14 grams of a mixture or substance described in  
3 15 subparagraph (2) which contains cocaine base.  
3 16 (4) More than ten grams but not more than one  
3 17 hundred grams of phencyclidine (PCP) or more than one  
3 18 hundred grams but not more than one kilogram of a  
3 19 mixture or substance containing a detectable amount of  
3 20 phencyclidine (PCP).  
3 21 (5) Not more than ten grams of a mixture or  
3 22 substance containing a detectable amount of lysergic  
3 23 acid diethylamide (LSD).  
3 24 (6) More than one hundred kilograms but not more  
3 25 than one thousand kilograms of marijuana.  
3 26 (7) More than five grams but not more than five  
3 27 kilograms of methamphetamine, its salts, isomers, or  
3 28 salts of isomers, or analogs of methamphetamine, or  
3 29 any compound, mixture, or preparation which contains  
3 30 any quantity or detectable amount of methamphetamine,  
3 31 its salts, isomers, or salts of isomers, or analogs of  
3 32 methamphetamine.  
3 33 (8) More than five grams but not more than five  
3 34 kilograms of amphetamine, its salts, isomers, or salts  
3 35 of isomers, or any compound, mixture, or preparation  
3 36 which contains any quantity or detectable amount of  
3 37 amphetamine, its salts, isomers, ~~and~~ or salts of  
3 38 isomers.  
3 39 c. Violation of this subsection with respect to  
3 40 the following controlled substances, counterfeit  
3 41 substances, or simulated controlled substances is a  
3 42 class "C" felony, and in addition to the provisions of  
3 43 section 902.9, subsection 4, shall be punished by a  
3 44 fine of not less than one thousand dollars nor more  
3 45 than fifty thousand dollars:  
3 46 (1) One hundred grams or less of a mixture or  
3 47 substance containing a detectable amount of heroin.  
3 48 (2) One hundred grams or less of any of the  
3 49 following:  
3 50 (a) Coca leaves, except coca leaves and extracts  
4 1 of coca leaves from which cocaine, ecgonine, and  
4 2 derivatives of ecgonine ~~or~~ and their salts have been  
4 3 removed.  
4 4 (b) Cocaine, its salts, optical and geometric  
4 5 isomers, ~~and~~ or salts of isomers.

4 6 (c) Ecgonine, its derivatives, their salts,  
4 7 isomers, ~~and~~ or salts of isomers.  
4 8 (d) Any compound, mixture, or preparation which  
4 9 contains any quantity of any of the substances  
4 10 referred to in subparagraph subdivisions (a) through  
4 11 (c).  
4 12 (3) Ten grams or less of a mixture or substance  
4 13 described in subparagraph (2) which contains cocaine  
4 14 base.  
4 15 (4) Ten grams or less of phencyclidine (PCP) or  
4 16 one hundred grams or less of a mixture or substance  
4 17 containing a detectable amount of phencyclidine (PCP).  
4 18 (5) More than fifty kilograms but not more than  
4 19 one hundred kilograms of marijuana.  
4 20 (6) Five grams or less of methamphetamine, its  
4 21 salts, isomers, or salts of isomers, or analogs of  
4 22 methamphetamine, or any compound, mixture, or  
4 23 preparation which contains any quantity or detectable  
4 24 amount of methamphetamine, its salts, isomers, or  
4 25 salts of isomers, or analogs of methamphetamine.  
4 26 (7) Five grams or less of amphetamine, its salts,  
4 27 isomers, or salts of isomers, or any compound,  
4 28 mixture, or preparation which contains any quantity or  
4 29 detectable amount of amphetamine, its salts, isomers,  
4 30 ~~and~~ or salts of isomers.  
4 31 (8) Any other controlled substance, counterfeit  
4 32 substance, or simulated controlled substance  
4 33 classified in schedule I, II, or III.  
4 34 Sec. \_\_\_\_\_. Section 124.401C, subsection 1, Code  
4 35 2005, is amended to read as follows:  
4 36 1. In addition to any other penalties provided in  
4 37 this chapter, a person who is eighteen years of age or  
4 38 older and who either directly or by extraction from  
4 39 natural substances, or independently by means of  
4 40 chemical processes, or both, unlawfully manufactures  
4 41 methamphetamine, its salts, isomers, ~~and~~ or salts of  
4 42 its isomers in the presence of a minor shall be  
4 43 sentenced up to an additional term of confinement of  
4 44 five years. However, the additional term of  
4 45 confinement shall not be imposed on a person who has  
4 46 been convicted and sentenced for a child endangerment  
4 47 offense under section 726.6, subsection 1, paragraph  
4 48 "g", arising from the same facts.>  
4 49 #3. Page 7, by inserting after line 24, the  
4 50 following:  
5 1 <Sec. \_\_\_\_\_. Section 192.102, Code 2005, is amended  
5 2 to read as follows:  
5 3 192.102 GRADE "A" PASTEURIZED MILK ORDINANCE.  
5 4 The department shall adopt, by rule, the "Grade 'A'  
5 5 Pasteurized Milk Ordinance, 2003 2005 Revision",  
5 6 including a subsequent revision of the ordinance. If  
5 7 the ordinance specifies that compliance with a  
5 8 provision of the ordinance's appendices is mandatory,  
5 9 the department shall also adopt that provision. The  
5 10 department shall not amend the ordinance, unless the  
5 11 department explains each amendment and reasons for the  
5 12 amendment in the Iowa administrative bulletin when the  
5 13 rules are required to be published pursuant to chapter  
5 14 17A. The department shall administer this chapter  
5 15 consistent with the provisions of the ordinance.>  
5 16 #4. Page 14, by inserting after line 2, the  
5 17 following:  
5 18 <Sec. \_\_\_\_\_. Section 258.1, Code 2005, is amended to  
5 19 read as follows:  
5 20 258.1 FEDERAL ACT ACCEPTED.  
5 21 The provisions of the Act of Congress ~~entitled "An~~  
5 22 ~~Act to provide for the promotion of vocational~~  
5 23 ~~education; to provide for co-operation with the states~~  
5 24 ~~in the promotion of such education in agriculture and~~  
5 25 ~~in the trades and industries; to provide for co-~~  
5 26 ~~operation with the states in the preparation of~~  
5 27 ~~teachers of vocational subjects; and to appropriate~~  
5 28 ~~money and regulate its expenditure", approved February~~  
5 29 ~~23, 1917, [39 Stat. L. 929; 20 U.S.C., ch 2] known as~~  
5 30 ~~the Carl D. Perkins Vocational and Technical~~  
5 31 ~~Education Act of 1998, codified at 20 U.S.C. } 2301 et~~  
5 32 ~~seq., originally known as the Vocational Education Act~~  
5 33 ~~of 1963, and enacted December 18, 1963, as part A of~~  
5 34 ~~Pub. L. No. 88-210, 77 Stat. 403, and all amendments~~  
5 35 ~~thereto and the benefit of all funds appropriated~~  
5 36 ~~under said Act and all other Acts pertaining to~~

5 37 vocational education, are accepted.>  
5 38 [#5.](#) By renumbering as necessary.  
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5 41 \_\_\_\_\_  
5 42 BY COMMITTEE ON JUDICIARY  
5 43 KEITH A. KREIMAN, CO=CHAIRPERSON  
5 44  
5 45  
5 46 \_\_\_\_\_  
5 47 DAVID MILLER, CO=CHAIRPERSON  
5 48 SF 2253.201 81  
5 49 lh/sh/3463